IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20507 of 2004

Between:

1 Dr.Kommineni Ramesh Babu, s/o Venkateswara Rao,
r/o Gandhinagar, H.No.6-7-50, Tenali, Guntur District.
2 Dr.Kommineni Jagadeeswari, w/o Ramesh Babu,
r/o Gandhinagar, Tenali, Guntur District.

..... PETITIONERS

AND

1 Government of Andhra Pradesh, rep., by its Secretary, Housing,

Municipal Administration and Urban Development Department,

Secretariat, Hyderabad.
2 Tenali Municipality, rep., by its Commissioner, Tenali, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the action of the respondents in seeking to dispossess them from their building bearing D.No.6-7-50, situate in Nehru Road in Ward No.10, Block No.2, Town Sy.No.144, Tenali, Guntur District or demolish the same or any portion thereof or the compound wall without following the due process of law as illegal, arbitrary etc., and grant such other just and consequential relief or reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.V.V.L.N.SARMA

Counsel for the Respondent No.: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent No.2:MR. D.SRINIVAS

The Court, at the stage of admission, made the following :

ORDER

The cause of action for filing the present writ petition appears to be that the respondents, on 3.11.2004 marked some portions of the building of the petitioner in Red colour, which is likely to be affected in the road widening and presuming that the respondents will not follow the due procedure for such road widening, the present writ petition is filed.

Time and again, this Court held that when a property of a citizen is required for the purpose of road widening, authorities have to follow the necessary procedures as contemplated under Section 174 of the A.P. Municipalities Act, and only after following such procedure, a citizen can be deprived of his property. In view of the same, the respondents are bound to follow the necessary procedure.

With the above observation, the writ petition is dismissed. No costs.

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A. GOPAL REDDY. J.

8th November, 2004

tsr.

To

1 The Secretary, Housing, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
2 The Commissioner, Tenali Municipality, Guntur District.

3. Two C.C.s to Government Pleader for Municipal Administration & Urban Development (OUT).

4. Two C.D. copies.